

1 A public hearing of the Jefferson Proving Ground
2 Restoration Advisory Board meeting was held at the South
3 Ripley Elementary School, Versailles, IN at 7:00 P.M. on
4 November 5, 2003.

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7 **OPENING STATEMENTS BY MR. PAUL CLOUD:**

8 Okay. Good evening. I'd like to welcome
9 everyone to the JPG Restoration Advisory Board. I think we
10 all know each other so I won't introduce myself. Ah just
11 please make sure that you sign in and we will make sure you
12 stay on the mailing list ah and keep you informed of various
13 subjects as they come up, issues, questions, whatever. And
14 provide you with copies of any documents as they're
15 generated either for review or final. I don't have any
16 other comments right now. Ah Richard do you have any
17 introductory remarks?

18

19 **MR. RICHARD HILL:**

20 No, not really. You can go ahead and get
21 started.

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1 **MR. PAUL CLOUD:**

2 Okay. This is our agenda for the night. Ah
3 I think it's pretty self-explanatory. There are copy of all
4 these slides and the handouts over there on a table by the
5 ah sign in list. Ah we'll go through this. If you have any
6 questions at any time ah on a specific subject or a topic in
7 general we do have an open discussion at the end. Or if you
8 want to ask it during the specific subject go right ahead.
9 There is no such thing as a dumb question so please ask
10 away. Okay. At this time I will turn the ah discussion
11 over to Brooks Evens from the Louisville Corps of Engineers
12 environmental office who will talk about the proposed plan
13 and Remedial Designprocess so bear with us for a second
14 while I shift the mic.

15

16 **MR. BROOKS EVENS:**

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20 Okay. My name is Brooks Evens and I'm the
21 Corp of Engineers - I'm the Project Geologist for the
22 Louisville district on JPG. And Paul asked me to ah update

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1 the public on where we stand in the CERCLA process. We've
2 gone through the RI which lasted from like 1991 to the year
3 2001. So we've gone through a thorough investigation. Some
4 people might disagree but - and the extent of investigating
5 has been a long time coming and getting through the process.
6 We finalized the Feasibility Study in August of 2003 and
7 the Feasibility Study basically outlines remedial objectives
8 ah and remedial alternatives that the Army might come
9 forward with. We're now in what's called the Proposed Plan.
10 And the Proposed Plan ah is really a regurgitation of the
11 FS ah but it adds two (2) criteria to the process. The FS
12 has seven (7) criteria which are called ARARs that you go
13 through and then ah the Proposed Plan is when we go public -
14 to the public with what the Army intent is. Ah the Proposed
15 Plan evaluates alternatives per the CERCLA 9 criteria and I
16 will discuss those in a second. And it identifies the
17 preferred alternatives that the Army is proposing to do,
18 hence the name Proposed Plan. Ah it helps facilitate and
19 inform the public and it also will include any public
20 comments and any ah State agency comments prior to moving
21 forward into the Record of Decision. Ah the State and the
22 Federal agencies will review the Proposed Plan and make

1 their comments, will go Draft Final and when it goes to
2 Draft Final we will finally issue it to the public. If you
3 turn over to the page that has nine (9) criteria. You've
4 got Threshold criteria which has - I think it has three (3)
5 and then you've got Balancing criteria and then you'll have
6 the State Acceptance and Community. The Threshold criteria
7 basically is you compare the alternatives to how it overall
8 protects the human health and environment and how it
9 complies with State and Federal ARARs which are ah
10 applicable relevant and applicant regulations that are out
11 there like storm water, ah what else are some of the ones?
12 Air, ah there's tons of regulations out there that you've
13 got to try to compare them to. Ah the more - Balancing
14 criteria is where you get down to really figuring out what
15 you're going to do in the Proposed Plan. Ah the Balancing
16 criteria you have your long term effectiveness and
17 permanence, reduction of toxicity, mobility and volume,
18 short-term effectiveness, implementability and you'll see
19 number seven (7) is cost. But cost does not play a part.
20 It's a lower value of the Balancing one (1). At one (1) of
21 my sites ah it was cheaper to do one (1) alternative but the
22 preferred alternative ah by the State and Federal and the

1 public was to go bio-treatment. So the Army did bio-
2 treatment which was basically twice as expensive as the - as
3 the ah dig and haul method that was being - could have been
4 proposed. Ah implementability is another Balancing
5 criteria. Given the type clays that we have in Joliet, not
6 Joliet, in Jefferson Proving Ground ah the ground water
7 contamination that we have in the area, putting in
8 extractions and thermal and soil venting and all these other
9 type of new age ah remedial actions, ah doesn't lend itself
10 to the JPG soils. We would have to go through a whole lot
11 of what's called cracking the clays to get them fractured
12 enough to where we could end up pulling material out. Ah
13 long term effectiveness is how we'll protect the human -
14 what alternatives best protects the human health and how
15 permanent it will be. And ah the other one (1), the
16 reduction of toxicity, mobility and volume is given how
17 toxic it is, how mobile it is, and the volume. Ah what we
18 don't like to do is ah get something more mobile so we try
19 to figure out what's not going to make it mobile. And then
20 short-term effectiveness is when we're doing actually like
21 our construction actions, how is it going to affect the
22 public during the short-term of that removal action? Where

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1 public and State comments and everything come in is on the
2 last two (2). The State acceptance and ah what will happen
3 is we will go through ah the review by the State and the
4 regulatory people and ah after they go through their draft
5 we'll respond, we'll work out everything we have to work out
6 and at the Draft Final stage basically the regulatory people
7 have agreed with the Proposed Plan and it's basically
8 acceptable to the Federal and State agencies. And then we
9 will issue it out to the public. We will put a notice in
10 the local paper and about two (2) weeks later we will do a
11 public presentation where we will outline what's being
12 proposed at JPG and then the public will have thirty (30)
13 days to comment on the Proposed Plan. And then Community
14 acceptance, this is the last criteria, will have cards on
15 the Proposed Plan and they will have cards when the public
16 comes to the meeting and they will be - everybody will get a
17 response back to their comment. It might be - some people
18 might comment like on the same thing. There might be a lot
19 of comments on the same things so those comments will be
20 grouped into like comments and responded to go into the ROD.

21 But each individual will get a response, personal response
22 back saying here's your comments say it is I want the Army

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1 to ah put in a treatment system. Well we would go through
2 the response to that and say here's why it was not in the
3 Proposed Plan and so forth. And the reason the Army didn't
4 choose to do a ah treatment system.

5

6 **MS. DIANE HENSHEL:**

7 What is that assumption that you're not
8 going to follow through with the assumption?

9

10 **MR. BROOKS EVENS:**

11 Huh?

12

13 **MS. DIANE HENSHEL:**

14 How do you know you're not going to
15 follow through with the assumption?

16

17 **MR. BROOKS EVENS:**

18 Well we didn't - we don't have those - I
19 already know what the Proposed Plan is composed of - the
20 Proposed Plan is already out to the agencies so I already
21 know what's in the Proposed Plan. Ah I can probably - but I
22 won't say it but - go - where do we go from here?

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MS. DIANE HENSHEL:

Just an example.

MR. BROOKS EVENS:

What's next? The Proposed Plan is out to the regulatory agencies. We'll wait to receive their comments ah and once we receive their comments we will go through resolutions with them to come to an agreement. And then after we get all the comments incorporated into the Proposed Plan we will issue a Draft Final to the public. There will be notices in the paper and ah I think whatever we're targeting, is I think February 5th is a RAB meeting of 2004, is probably when we're going to target ah the Proposed Plan public presentation to sort of coincide with the RAB instead of having it maybe a week later. It all depends on how fast the agencies get it reviewed and we get the resolutions to it. Ah after we get the thirty (30) day comment period the Army will begin to develop the ROD and then the ROD will go through the agency reviews, it will go through the Draft, it will go through comment resolution, it will go through Draft Final and then it will go up to

1 Washington where aah the attorneys and lawyers at DC will
2 evaluate the Record of Decision and make sure everything's
3 in line. And then we will have the signing of the ROD and
4 the CERCLA Process of JPG will be done. And then we will
5 move into the Remedial Designand long term monitoring to ah
6 handle the ah contamination that's been at JPG. And that's
7 about it. Any questions?

8

9 **MS. DIANE HENSHEL:**

10 Are you planning to put a presentation say
11 the same day that you do the public presentation?

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13 **MR. BROOKS EVENS:**

14 No it will come out about two (2) weeks
15 before. It will come out - the notice in the paper?

16

17 **MS. DIANE HENSHEL:**

18 Yeah.

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20 **MR. BROOKS EVENS:**

21 And it being at the ah administration
22 holding area there will be copies at the - at Hanover for

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1 the public to pick up.

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3 **MR. PAUL CLOUD:**

4 We'll also have copies at the Proving
5 Ground.

6

7 **MR. BROOKS EVENS:**

8 At the Proving Ground.

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10 **MR. PAUL CLOUD:**

11 And if necessary if anyone is interested we
12 will mail out.

13

14 **MR. BROOKS EVENS:**

15 Yeah.

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17 **MR. PAUL CLOUD:**

18 To anyone who identifies themselves.

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20 **MR. BROOKS EVENS:**

21 Yeah. Paul will probably since we have that
22 ultimate mailing list will send out --

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MS. DIANE HENSHEL:

(Holding up hand) Is that formal enough?

MR. BROOKS EVENS:

-- saying the Proposed Plan is available for comments. But yeah the - you give - you end up sending the notice about a couple of weeks before you actually do the presentation so the public can have a chance to read it and then come to the public presentation to ask questions and everything.

MR. PAUL CLOUD:

The RAB members will get a copy, hard copy mailed to them.

MR. BROOKS EVENS:

Yeah.

MR. PAUL CLOUD:

The public in general will have a letter sent to them notifying them if they're interested they can

1 either look on the web site or come to the Proving Ground to
2 get a copy.

3

4 **MR. BROOKS EVENS:**

5 Un-huh (yes).

6

7 **MR. PAUL CLOUD:**

8 But the RAB members will get a copy.

9

10 **MR. BROOKS EVENS:**

11 How big is it Kevin? Pull it out again.

12 It's not - it's about a quarter inch, half inch at the most?

13

14 **MR. KEVIN HERRON:**

15 About half inch.

16

17 **MR. BROOKS EVENS:**

18 Yeah.

19

20 **MR. KEVIN HERRON:**

21 Half to three quarters.

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1 **MR. PAUL CLOUD:**

2 Any other questions?

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4 **MS. DIANE HENSHEL:**

5 So when are you saying that the ROD will be
6 developed? Over what period of time?

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8 **MR. BROOKS EVENS:**

9 We'll start developing the ROD prior to the
10 - the ah public presentation just so we're ahead of
11 schedule. We've got a - we've got a deadline to get to. So
12 the ROD, the basis of the ROD is basically the Proposed
13 Plan. And once we get the comments back from the regulators
14 we'll have a pretty good idea of where we're going on the
15 ROD and then we'll start putting in all the ah - the only
16 thing that's not in the Proposed Plan is what the actual
17 alternative is, what type of restrictions are going to be
18 on, what kind of institutional controls will be on there.
19 That's where we'll just sort of like show like you know a
20 long term monitoring at all the solvent sites will have
21 institutional controls. And it will have long term
22 monitoring. It will have the cost of what the long term

23

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1 monitoring is and then it will show what sort of Deed
2 restrictions are there.

3

4 **MS. DIANE HENSHEL:**

5 Ah what was the time limit you were talking
6 about just now?

7

8 **MR. BROOKS EVENS:**

9 Pardon?

10

11 **MS. DIANE HENSHEL:**

12 You said you have a time limit?

13

14 **MR. PAUL CLOUD:**

15 I'll answer that. What - what Brooks is
16 referring to there the Department of Defense role is to have
17 remedies in place or the restoration complete by the end of
18 September '05. That's the goal. But it's not mandatory or
19 statutory. But it's very accurately monitored. So we're --

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21 **MR. BROOKS EVENS:**

22 We get beat up. We get beat up pretty good.

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MR. PAUL CLOUD:

Making every effort to insure that we are satisfied with the criteria before the site is ever still being worked on at JPG.

MS. DIANE HENSHEL:

So are you anticipating a date, for the range of dates for the ROD from January until?

MR. BROOKS EVENS:

Ah what also gets included in the ROD is ah all the public comments are included as an appendency to the ROD. Every comment that we respond to goes in as a Record of Decision to show that we had two hundred (200) comments on it. And then those all get answered. They all get put in the ROD. And after those comments are in it goes Final, up - up to Washington.

MS. DIANE HENSHEL:

So what date are you assuming is going to be

1 the date?

2

3 **MR. PAUL CLOUD:**

4 I don't think we have.

5

6 **MR. BROOKS EVENS:**

7 Don't really have a specific --

8

9

10 **MR. PAUL CLOUD:**

11 Month and day right now. If I were to give
12 you an estimate I would hope probably early summer of next
13 year.

14

15 **MR. BROOKS EVENS:**

16 Because you have to back track all the
17 things we've got to do to Remedial Design. For Remedial
18 Designs will go on a fast track and then the Remedial Action
19 will be fast tracked to get it done because even though
20 we've got everything in place we've got to get concurrence
21 for any soil removal. We have to get that concurrence from
22 the regulatory people prior to when we start the FOST to

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1 transfer the property. So we've got two (2) - twenty-one
2 (21) months roughly to get - to get to that September 5th
3 date.

4

5 **MR. PAUL CLOUD:**

6 Kevin do you have a question?

7

8 **MR. BROOKS EVENS:**

9 September '05.

10

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12 **MR. KEVIN HERRON:**

13 Your appendency or appenditure you were
14 talking about is your response to this summary?

15

16 **MR. BROOKS EVENS:**

17 Un-huh (yes).

18

19 **MR. KEVIN HERRON:**

20 And that's where your comments and where the
21 public comment and your response converge? That
22 specifically identifies that?

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MR. BROOKS EVENS:

Un-huh (yes).

MR. PAUL CLOUD:

That's correct.

MR. BROOKS EVENS:

Yeah.

MR. KEVIN HERRON:

In the Record of Decision?

MR. BROOKS EVENS:

Yeah.

MR. PAUL CLOUD:

Question or comment?

MR. KEVIN HERRON:

No. I'm just saying that's what it is.

1 **MR. PAUL CLOUD:**
2 Oh yeah.
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4 **MR. BROOKS EVENS:**
5 Yeah.
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7 **MR. KEVIN HERRON:**
8 Your responsiveness.
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10 **MR. BROOKS EVENS:**
11 Yeah.
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13 **MR. PAUL CLOUD:**
14 Any other comments or questions? Kevin?
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16 **MR. KEVIN HERRON:**
17 One (1) more comment.
18
19 **MR. BROOKS EVENS:**
20 Would you quit?
21
22 **MR. KEVIN HERRON:**
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1 Cost can only be considered when there is -
2 when you can justify and show that there are two (2)
3 equivalent --

4
5 **MR. BROOKS EVENS:**

6 Right.

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8 **MR. KEVIN HERRON:**

9 Remedies?

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11 **MR. PAUL CLOUD:**

12 Excellent comment.

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14 **MR. BROOKS EVENS:**

15 Yes.

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18 **MR. KEVIN HERRON:**

19 Then costs can come in to play. The costs
20 cannot be your overbearing thing?

21
22 **MR. BROOKS EVENS:**

23

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1 Overbearing thing.

2

3 **MR. PAUL CLOUD:**

4 And we recognize that.

5

6 **MR. KEVIN HERRON:**

7 So - but the way I was presented it is that
8 you've got, with the above criteria, two (2) equal, and you
9 can demonstrate two (2) equal remedies then at that point
10 you can consider the cost?

11

12 **MR. BROOKS EVENS:**

13 Consider costs.

14

15 **MR. PAUL CLOUD:**

16 Understandable.

17

18 **MR. KEVIN HERRON:**

19 Only at that point?

20 **MR. BROOKS EVENS:**

21 Yeah.

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23

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1 **MR. PAUL CLOUD:**

2 Right.

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4 **MR. KEVIN HERRON:**

5 Therefore you're taking protectiveness first
6 and foremost above everything else?

7

8 **MR. BROOKS EVENS:**

9 Above everything yeah. Cost is the least
10 driving factor.

11

12 **MR. PAUL CLOUD:**

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15 Any other comments or questions? Thank you
16 Brooks. Okay. What I'd like to talk to next is the ah
17 status of various Findings of Suitability to Transfer. Ah
18 most of these following slides you've seen most of the
19 material before. So I'll go through at least the initial
20 ones on each parcel fairly quickly because they show
21 basically the chronological sequence to ah where we are
22 right now and you've seen most of them. But the first one

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1 (1) is the Airfield parcel. Ah that FOST was signed almost
2 a year ago. The Deed was sent to Mr. Ford. He signed the
3 Deed September of this year. The Deed was sent up to
4 Headquarters Corps on the 24th of September. It is
5 currently over at the Pentagon and ah it is being reviewed
6 by the attorney for the Deputy Assistant Secretary of the
7 Army who will sign it. I would hope that before this month
8 is out not only would the Deed be signed but there would be
9 a meeting between the Corps, Army and Mr. Ford in Louisville
10 where we would swap paper. He would get a Deed and we would
11 get a certified check for payment for the Airfield parcel.
12 And then he would then own that and we would move on. And
13 just to refresh your memory ah that's the basic outline of
14 the parcel in question, approximately seven hundred and
15 seventy (770) acres. Any questions regarding the Airfield
16 parcel? Okay. The next parcel is the Northeastern ah
17 parcel about four hundred and sixty-five (465) acres, ah
18 thirty-nine (39) buildings. The FOST went out August of
19 last year. We had comments from the State, EPA and the
20 community. We provided responses to those comments and
21 Revised FOSTs earlier this year. And then ah requested
22 either a concurrence to the Revised FOST or an

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1 identification of outstanding issues. We did in fact
2 receive comments for outstanding issues from the EPA, the
3 State and the public on this particular parcel. Ah the Army
4 subsequently included those comments as an enclosure to the
5 FOST with the Army's response to those comments. The FOST
6 was then in May sent up to the Pentagon for staffing and
7 review. And at the end of August this year the FOST was
8 signed by the Secretary and right now the Corps of Engineers
9 real estate office in Louisville is preparing the Draft Deed
10 for Mr. Ford. We estimate right now December but that may
11 slip because as I think everyone here knows ah December
12 usually in Federal government everybody turns into a pumpkin
13 for at least fifty (50) percent of the month. So that might
14 slip a little bit but expect that - expect that parcel to be
15 also transferred here within the next couple of months. And
16 there's a slide that shows the basic location of this parcel
17 and where it is on the Proving Ground. Any questions on the
18 Northeastern parcel before we go to the next parcel? Okay.

19 The next parcel is the Western Wooded parcel. As I think
20 everyone here is aware there were competing interests in
21 this parcel. The Army ah in a letter dated the 23rd of May
22 this year made their decision as to who would be favored and
23

1 they accepted the County's Public Benefit Conveyance
2 request. The FOST was staffed within the Army and it came
3 out for initial public review end of June this year. Asked
4 for comments or concurrence by the first part of August. We
5 did in fact receive a concurrence from the community and the
6 State which the next slide will show and we did receive some
7 comments from the EPA. The Army responded to EPA comments
8 and revised the FOST and put that out September 24th of this
9 year. And we requested the EPA either concur with the FOST
10 or identify any outstanding issues by the middle of last
11 month. EPA came back on that date with a concurrence.
12 Right now I am in the process of getting ready to send all
13 the necessary documentation up to the Pentagon for the Final
14 Review and signature by the Secretary. And I expect that to
15 happen within the next week. And then they will go through
16 their process. I would hope that ultimately it will lead to
17 a property transfer through the National Park Service which
18 is the County's Federal sponsor probably right now we
19 estimate February of next year. And then they will be the
20 proud owners of this parcel of property about four hundred
21 and fifteen (415) acres, plus or minus. Any questions on
22 the Western Wooded parcel? You guys are being too kind.

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MS. DIANE HENSHEL:

Could I ask one (1) question?

MR. PAUL CLOUD:

Oh I spoke too soon.

MS. DIANE HENSHEL:

No it's just information. How far is the top end of the Wooded parcel from the - from the landfill?

MR. PAUL CLOUD:

Ah distance wise I've never measured it but to give you an idea that Northern boundary is just south of Woodfill Road, which is the road that goes out gate 19.

MS. DIANE HENSHEL:

Yeah. So it's pretty close?

MR. PAUL CLOUD:

It's - what would you estimate Ken? Half a mile? Not even half a mile?

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MR. KEN KNOUF:

I didn't hear the question.

MR. PAUL CLOUD:

The distance from the Northern boundary on the Northeast or the Western Wooded parcel to gate 19 landfill? Quarter of a mile?

MR. KEN KNOUF:

Quarter yeah.

MR. PAUL CLOUD:

A quarter or three-tenths (3/10), something like that.

MS. DIANE HENSHEL:

So something the County is going to have to consider when they evaluate usage?

MR. PAUL CLOUD:

That will be something they will have to

1 look at but ah don't know what they would possibly use it
2 for that might cause anyone to be in jeopardy. We have not
3 had any hits or anything from the monitoring wells around
4 the landfill and we're - what do we have Brooks?

5

6 **MR. BROOKS EVENS:**

7 We have seven (7).

8

9 **MR. PAUL CLOUD:**

10 We have three (3) more years of monitoring
11 before we are complete with the ten (10) year monitoring for
12 the solid waste landfill.

13

14 **MR. BROOKS EVENS:**

15 Yeah. Nine (9) and ten (10). Yeah we have
16 two (2) more years. We're doing the fall sampling next
17 week.

18

19 **MR. PAUL CLOUD:**

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21 So. Any other questions? Okay. The
22 Depleted Uranium License Termination/Amendment Status. As

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1 most of you know on the next few slides anyway won't be
2 anything new. The Army did in fact provide a Revised
3 License Termination Plan to the NRC in June of 2002.
4 Documents are still up on the JPG web site. Everything was
5 mailed to the entire JPG mailing list. The ah NRC did in
6 fact ah provide a notice of Administrative Acceptance in
7 October of last year for that License Termination Plan. Ah
8 but - and then they gave us a rough outline of their
9 Administrative Technical Review and ah NEPA Process and how
10 long it would last. And they informed all the interested
11 parties it would be at least until October of '04 before
12 they were done if they were actively working that project.
13 Ah and there would have been the NEPA Process and all of
14 that along with public meetings may have caused the Army to
15 respond to additional ah requests for information. As you
16 are also aware February of this year the Army made a
17 contingent request to the NRC for Possession Only License
18 Amendment renewable every five (5) years. And in a letter
19 dated April 8th the NRC agreed with that proposal. There
20 was a meeting at the NRC Headquarters in Rockville the first
21 of July. There was a teleconference also and a number of
22 people here listened in and asked questions at that meeting.

23

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1 It was basically an information discussion meeting.
2 Subsequent to that the Army submitted their Draft Possession
3 Only License Amendment to the NRC on the 22nd of September.
4 About a week later the NRC sent us an acknowledgment of
5 receipt and then on the 21st of last month the NRC sent out
6 a letter which we have a copy of for your information here
7 that they had completed their Administrative Review and it
8 had passed that hurdle and they were now commencing their
9 Detailed Technical Review and had - were in the process of
10 issuing a Federal Register Notice for thirty (30) day period
11 for request of hearing. Again during their Detailed
12 Technical Review ah that process may generate additional
13 questions that the NRC ultimately will come back to the Army
14 for but we're in their process now at the mercy of "their
15 procedure". We'll wait and see what they ask when they ask
16 it. If you have any questions ah regarding that your best
17 point of contact would be Dr. McLaughlin and we have his
18 point of contact information here. This slide just shows
19 the fact that they did in fact issue their Federal Register
20 Notice. We have copies of it here. I think a lot of people
21 have seen it for a request for hearing. Subsequent to the
22 completion of that thirty (30) day period for request for

1 hearing and the Detailed Technical Review it's our
2 understanding that the NRC will then arrange for their
3 public meetings. Would not expect them to occur until some
4 time next year, probably late spring, early summer, but
5 that's clearly up to them. And when their process ah gets
6 them there ah any specific questions I would clearly ask
7 them about as far as scheduler because it's under their
8 control, not ours. And again as a result of those public
9 meetings any input received from the public the NRC may in
10 fact come back to the NRC with a request for additional
11 information prior to ah continuing on with the process.

12

13 **MS. DIANE HENSHEL:**

14 Okay. At some prior meeting you had made a
15 comment that you thought the NRC was going to be following
16 through on both plans at the same time. Is that your
17 understanding of what's still happening or are they trying
18 to stop the decommissioning?

19 **MR. PAUL CLOUD:**

20 Ah you did participate in the July 1st
21 telephone conference.

22

23

24

1 **MS. DIANE HENSHEL:**
2 No I did not.
3
4 **MR. PAUL CLOUD:**
5 You didn't? I thought you --
6
7 **MR. KEN KNOUF:**
8 Yeah you did.
9
10 **MR. PAUL CLOUD:**
11 Yeah.
12
13 **MS. DIANE HENSHEL:**
14 On July 1st?
15
16 **MS. JAMIE DeWITT:**
17 Yeah.
18
19 **MR. PAUL CLOUD:**
20 July 1st. You were - you were on the phone.
21 **MS. JAMIE DeWITT:**
22 You were there.
23
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MR. PAUL CLOUD:

And either you or Mr. Mullet asked that question.

MS. DIANE HENSHEL:

How could I have been there if I was in Colorado?

MS. JAMIE DeWITT:

We participated in that phone conversation with the NRC.

MR. PAUL CLOUD:

I'll let them figure this out first.

MR. RICHARD HILL:

Remember we had cheese and apples.

MS. DIANE HENSHEL:

That's right. Now it's coming back.

1 **MR. PAUL CLOUD:**

2 All right. I will answer your question now.

3

4 **MS. DIANE HENSHEL:**

5 All right Paul.

6

7 **MR. PAUL CLOUD:**

8 That - that - during that - during that

9 teleconference that specific question was asked of the NRC.

10

11 **MS. DIANE HENSHEL:**

12 And they said they were going to continue?

13

14 **MR. PAUL CLOUD:**

15 And the NRC replied in the negative. They
16 were not expending any resources on the License Termination
17 Plan at that time.

18

19 **MS. DIANE HENSHEL:**

20 I'm just blanking. I had just gotten back
21 at that time.

22

23

24

1 **MR. PAUL CLOUD:**

2 Any other questions regarding that? Ken?

3 **MR. KEN KNOUF:**

4 Paul for many meetings you've kind of
5 suggested Dr. McLaughlin is a lonely man in need of
6 communication. Anything to suggest that more people are
7 contacting him or has there been - has he indicated that
8 there's any concern/interest in this part of the world?

9

10 **MR. PAUL CLOUD:**

11 I know that Richard has talked to him. And
12 I don't know if there have been many more. Ah I know that
13 there - during the July 1st call and discussion there was
14 some ah discussion about some issues where Dr. Henshel was
15 essentially tasked with finding out something from the EPA.
16 Do you recall that?

17

18 **MS. DIANE HENSHEL:**

19 Yeah. Actually I've been doing a whole lot
20 of stuff. I'm trying to figure out stuff about Depleted
21 Uranium. I'm not finding a lot.

22

23

24

1 **MR. PAUL CLOUD:**
2 So I don't know if Dr. Henshel has ever
3 contacted Dr. McLaughlin again or not but she could --
4
5 **MS. DIANE HENSHEL:**
6 I haven't at this point. I haven't done
7 anything.
8
9 **MR. PAUL CLOUD:**
10 Well that's purely up to Dr. Henshel.
11
12 **MR. KEN KNOUF:**
13 So he's still a lonely man then.
14
15 **MR. PAUL CLOUD:**
16 Yeah.
17
18 **MS. DIANE HENSHEL:**
19 I've been doing the research though.
20
21 **MR. BILL CORNING:**
22 And it's your fault.
23
24

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MS. DIANE HENSHEL:

But I haven't contacted them and dealt with that.

MR. KEN KNOUF:

He's just waiting for a phone call.

MR. PAUL CLOUD:

Okay the web site for JPG does have a copy of the environmental monitoring plan. I think we mailed out copies of it to a number of individuals and either gave them CDs and/or hard copies. And right now we're basically waiting for the NRC and their process to work its way through their ah system and that's basically where we stand right now. This is Dr. McLaughlin's point of contact information, his mailing address, e-mail, phone number, so on and so forth. This is the Army's point of contact, ah Radiation Safety Officer for the JPG license. Any questions or comments?

1 **MS. DIANE HENSHEL:**

2 Can you talk about the funding of the EPA
3 please?

4

5 **MR. PAUL CLOUD:**

6 In regard to what?

7

8

9 **MS. DIANE HENSHEL:**

10 With regards to there being cut backs
11 apparently in terms of why Karen is not here?

12

13 **MR. PAUL CLOUD:**

14 That was purely an EPA decision as to where
15 they choose to expend their funds. We do not control how
16 they expend them as long as they're expended on a specific
17 facility. The actual decision as to how much money the Army
18 provided various regions for various facilities is a policy
19 decision based on a number of factors. Some of them ah have
20 to do with progress. Some of them had to do with funding
21 availability. Ah as you may or may not know funding has
22 become extremely tight over the last year or so. Ah as the

23

24

1 case in point here until the very end of September before
2 the start of the new FY ah my budget was in serious jeopardy
3 of being cut by six million dollars (\$6,000,000). And only
4 at the very last minute did some year end funding become
5 available. In fact the Corps knew about it before I did.
6 And that's not the way it's supposed to work. Funding has
7 become a very tight issue.

8

9 **MS. DIANE HENSEL:**

10 Because it's a restoration and clean up and
11 the funding is going toward Iraq or what?

12

13 **MR. PAUL CLOUD:**

14 I don't know where all the money is going.
15 That's way above my pay grade. All I know is that when I go
16 to the semi-annual budget meetings for the Army they have
17 continually showed graphs that the funding for BRAC is on a
18 downward slope. Now once we get to BRAC '05 personally I
19 would think the funding is going to have an upswing again
20 because it's supposed to be a very big BRAC. Supposed to be
21 a lot of new stuff, lot of new money. That BRAC will fund
22 all the previous BRACs until their completion but we're not

23

24

1 there yet. We're not going to be there for two (2) years.
2 And ah by that time we'll be done.

3

4 **MS. DIANE HENSHEL:**

5 So 2005 is going to be a whole new set of
6 things coming on line to be closed?

7

8 **MR. PAUL CLOUD:**

9 Federal law has authorized a BRAC in '05.

10

11 **MS. DIANE HENSHEL:**

12 And so at that point there will be a break.

13

14 **MR. PAUL CLOUD:**

15 Now that will not be final until about two
16 (2) years from now yeah.

17

18 **MS. DIANE HENSHEL:**

19 But they haven't clarified what's to be
20 funded yet? Okay. So you're saying that that's going to
21 help fund the rest of the BRAC? It's not - the money for
22 that's not going to go to the other?

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MR. PAUL CLOUD:

Oh it will go to both. It will go to '05 plus it ah - it will fund the previous - that's my expectation. That's how they have done it in the past. As - see Jefferson was a BRAC '88 facility. And it was funded out of BRAC '88 funds but that was only I believe it was a seven (7) year funding authorization. So after seven (7) years then they shift the funding to BRAC '91 and then BRAC '93 and then BRAC '95. And then there was a contig - there was an initiative by Congress that said hey we know that BRAC '95 funding will run out in 2002 so we're going to direct the Department of Defense to create a separate funding line to cover these BRAC facilities until we have a new BRAC come on because they knew that '05 had already been authorized. But they knew that '95 was going to expire so they had to do something in the interim there and so they did that. And so that's what we're operating on right now.

MS. DIANE HENSHEL:

And that level of funding was lower than it has been?

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2

MR. PAUL CLOUD:

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MS. DIANE HENSHEL:

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MR. PAUL CLOUD:

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MS. DIANE HENSHEL:

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MR. PAUL CLOUD:

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It's always been decreasing because - and it's logical to a certain degree because as time goes on and you get more things done you have less of a need for money.

So money availability ah in general will go down because you won't have the same needs that you had in previous years. But there are also other drivers and other priorities within the Federal government. And this is only one (1) of many.

Un-huh (yes).

And everybody competes for the big pot of money. And it's a big pot but it's not impotent.

Okay. That's clarifies things a bit.

Okay. Any other questions? I can see

1 you've got something on your mind Richard.

2

3 **MR. RICHARD HILL:**

4 Well I was just trying to think if there was
5 anything else I could add to the discussion about the DU
6 License Amendment because there have been some
7 communications back and forth. Ah but really nothing major.

8 The only thing I can think of that you haven't mentioned is
9 that aah very recently, I think I just got it in the mail
10 today, probably got it e-mail a couple of days ago about the
11 ah NRC records being available to Save The Valley on the web
12 site. But we're not going to ask that they ship us all that
13 stuff again because we don't have any place to put it so we
14 agree to that. And I really can't - I was just trying to
15 think if there was really anything else and there's really -
16 I don't think there is. Ah the notice has come out in the
17 Federal Register as you mentioned so there's thirty (30)
18 days to request a hearing if anybody wants to do that. I
19 guess that's where we are right now.

20 **MR. KEN KNOUF:**

21 You might mention the NRC inspection Paul.

22

23

24

1 **MR. PAUL CLOUD:**

2 Oh we did in fact - ah since we still have
3 an active license and if the Possession Only License
4 Amendment is approved we would continue to have an active
5 License and continue to have annual inspections. We had our
6 annual inspection Monday of this week. I escorted Dr. Lee
7 from the region up in Chicago around the DU area. We went
8 up through C Road and up to D Road and he looked at some of
9 the monitoring wells and looked at the fence and the signage
10 and had a number of questions. Ah identified no ah
11 discrepancies, no violations. We expect to receive a letter
12 within thirty (30) to sixty (60) days documenting that fact.
13 Pretty perfunctory but a necessary in regulatory
14 requirement and didn't have any problems. Dr. DeWitt?

15

16 **MS. JAMIE DeWITT:**

17 May I ask what sort of questions he asked
18 while you were out there?

19

20 **MR. PAUL CLOUD:**

21 Ah he was basically asking about access,
22 institutional controls, things of that nature. We were

23

24

1 talking about the Possession Only License Amendment and
2 things of that nature. They are not really ah actively
3 engaged in that process. It is our understanding talking
4 with Headquarters because we're on the SDMP list and when
5 you're - when a facility or licensee is placed on the SDMP
6 list ah Headquarters takes over the active management of
7 that License. That should the Possession Only License
8 Amendment be granted ah then they will, they being NRC
9 Headquarters, will do two (2) things. They will take JPG
10 off the SDMP list and then return them to the region for day
11 to day administration. So they're not really involved in it
12 and I think he was just trying to get a better handle on ah
13 that process from us because he's you know just coming up
14 basically for the annual inspections and I think he has
15 copies of the documents but he's not part and parcel to ah a
16 lot of discussions that go on. I don't even think they
17 participated in the July ah conference call for that matter.
18 It's basically a Headquarters run operation at this point.
19 Does that answer your question?

20

21 **MS. JAMIE DeWITT:**

22 Yes.

23

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MS. DIANE HENSHEL:

When was the last time this fence was
actually walked?

MR. PAUL CLOUD:

It is inspected every week by the Corps or
by the National Guard's contractor.

MS. DIANE HENSHEL:

So he walked the whole thing?

MR. PAUL CLOUD:

In fact we have Sgt. Burdoll here and he can
speak to the specifics on the contract if you'd like.

MS. DIANE HENSHEL:

Yeah and I'm just curious about how often
it's actually walked.

SGT. JIM BURDOLL:

It's ah checked ever week. We receive a

1 report from our contractor every week.

2

3

4 **MS. DIANE HENSHEL:**

5 So it's spot checked or actually walked?

6

7 **SGT. JIM BURDOLL:**

8 No. A the complete perimeter is checked.

9

10 **MR. PAUL CLOUD:**

11 And I will have to say that I have been very
12 favorably impressed in the last couple of years since the
13 duration or the initiation of the MOA. I think with the
14 combination of the Air Guard's contractor and their
15 diligence and the presence of the Fish and Wildlife Service
16 and their law enforcement ah capability we have experienced
17 a significant decrease in the number of holes in the fence.

18

19 **MS. DIANE HENSHEL:**

20 Really?

21

22 **MR. PAUL CLOUD:**

23

24

1 Dramatically. If you gave a percentage
2 number Ken what would you say a percentage decrease?

3

4 **MR. KEN KNOUF:**

5 Oh I'd say seventy-five (75) percent. Jim
6 wouldn't you agree with that? It's nowhere near what it
7 used to be.

8

9 **SGT. JIM BURDOLL:**

10 I - I would say we've cut it in half.

11

12 **MR. KEN KNOUF:**

13 Yeah at least. At least fifty (50) percent.
14 I think more frankly.

15

16 **MS. DIANE HENSHEL:**

17 So how many holes come up in every walk?

18

19 **SGT. JIM BURDOLL:**

20 Excuse me?

21

22 **MS. DIANE HENSHEL:**

23

24

1 How many holes will come up in a walk?

2

3 **SGT. JIM BURDOLL:**

4 You know sometimes you'll have one (1) and
5 then sometimes you'll have none, sometimes you'll have
6 several. Just depends.

7

8 **MR. JOE ROBB:**

9 We'll have a lot now because it's hunting
10 season.

11

12 **SGT. JIM BURDOLL:**

13 Well yeah. Because of the time of year
14 probably has something to do with that.

15

16 **MR. JOE ROBB:**

17 Time of the year.

18

19 **MR. BILL CORNING:**

20 Another thing that would reduce --

21

22 **MR. JOE ROBB:**

23

24

1 Certain times of the year are more active
2 than others.

3

4 **MR. BILL CORNING:**

5 Another thing that would reduce that when
6 they fixed the fence because there were parts of the fence
7 that on the Northwest side were chicken wire that some of
8 the farmers had put up just to keep the deer in. And keep
9 them out of their crop fields. And it wasn't the chain link
10 fence.

11

12 **MR. PAUL CLOUD:**

13 No. That was done in 1995 the Corps came in
14 and put a couple of million dollars and walked the - went
15 through the whole perimeter and we upgraded, repaired
16 significant sections of the fence back in '95. And then
17 between '95 and 2000 when the MOU was signed ah the site
18 staff maintained the fence. And since the MOU's been in
19 effect that's been a requirement of the Air Guard and
20 they've done an excellent job. We have no complaints in
21 that area, none whatsoever.

22

23

24

1 **MS. DIANE HENSHEL:**

2 So the fence is effectively getting repaired
3 regularly now?

4

5 **MR. PAUL CLOUD:**

6 Oh yeah. Yeah.

7

8 **MS. DIANE HENSHEL:**

9 That's good.

10

11

12 **MR. PAUL CLOUD:**

13 We've never come close to having to notify
14 the State, EPA or the NRC that we've exceeded the time limit
15 as to the fence, a portion of the fence being down and
16 providing unimpeded access. No where close.

17

18 **MS. DIANE HENSHEL:**

19 That's very good. Okay.

20

21 **MR. PAUL CLOUD:**

22 Any other comments or questions? Yes

23

24

1 ma 'am?

2

3 **MS. JAMIE DeWITT:**

4 Anything new or exciting going on with the
5 refuge?

6

7 **MR. JOE ROBB:**

8 Basically we've been busy with a lot of
9 public use at this park. We have a new Friends Group which
10 is non profit is very active (inaudible) and they will
11 continue to do that. Hanover College (inaudible).

12

13

14 **MR. PAUL CLOUD:**

15 Can you speak up?

16

17 **MR. JOE ROBB:**

18 I'm getting over a cold.

19

20 **MR. PAUL CLOUD:**

21 Move up, move up.

22

23

24

1 **MR. JOE ROBB:**

2 I was surprised there wasn't any more
3 comments about the recent range study that was just recently
4 out about - proposed and looked at.

5

6 **MS. DIANE HENSHEL:**

7 Did we get it?

8

9 **MR. PAUL CLOUD:**

10 It's up on the web site.

11

12 **MR. RICHARD HILL:**

13 Yeah I looked at it very thoroughly.

14

15

16 **MR. JOE ROBB:**

17 There's some very interesting thing.
18 There's some deficiencies but it probably needs to -
19 especially Dr. Henshel and Dr. DeWitt need to probably take
20 a thorough look at that.

21

22 **MS. DIANE HENSHEL:**

23

24

1 All right. After December 1st.

2

3 MR. JOE ROBB:

4 Okay.

5

6 MS. DIANE HENSHEL:

7 I'll be divorced. I'll be everything by

8 then.

9

10 MR. JOE ROBB:

11 Paul do you want to talk about the rounds
12 that were removed?

13

14 MR. PAUL CLOUD:

15 Oh ah just as a point of interest. Under
16 the MOU there is a section that addresses "emergency UXO
17 removal request from Fish and Wildlife Service" and it
18 basically comes about if and when during as an example
19 routine maintenance of ah like the roads in the interior a
20 round is kicked up. That in fact happened here the last
21 couple of weeks. Ah first time it happened site staff
22 called Fort Knox. EOD came up. They examined the round and

23

24

1 put some explosive on it and it was a full HE round. It
2 went high order. It was what, ninety (90) millimeter? It
3 would have been serious if somebody would have you know been
4 near at the time. Ah subsequent to that there were four (4)
5 additional rounds that were found. We approached those a
6 little differently as far as requesting Fort Knox come up.
7 Ah knowing that sometime in the future the Army site staff
8 will no longer be there ah I requested Dr. Robb to call the
9 Fort Knox people, having Mr. Knouf in the background just in
10 case he received any resistance, ah which he did not. And
11 they came up very shortly there after, looked at these
12 rounds and they were inert and they carted them off. No big
13 deal. But that's a decision that those trained experts have
14 to make. If you can't make that a hundred (100) percent
15 visual confirmation if the round is inert they will blow it
16 up every time.

17

18 **MS. DIANE HENSHEL:**

19 They blew up the first round?

20 **MR. JOE ROBB:**

21 They took a hammer and were pounding it.

22

23

24

1 **MR. PAUL CLOUD:**
2 Don't do that.
3
4 **MR. RICHARD HILL:**
5 They what?
6
7 **MR. JOE ROBB:**
8 They looked in their books and looked at the
9 markings on the - on the munitions and did several other
10 things and I - I took it off the site.
11
12 **MR. KEN KNOUF:**
13 Joe and their lead guy graduated from high
14 school in 1997.
15
16 **MR. BILL CORNING:**
17 At least he graduated from high school.
18
19 **MS. DIANE HENSHEL:**
20 Did you feel comfortable?
21
22 **MR. KEN KNOUF:**
23
24

1 You make me feel old Diane.

2

3 **MR. PAUL CLOUD:**

4 As long as I know he has graduated from EOD
5 school I'm very comfortable with that.

6

7 **MR. KEN KNOUF:**

8 Yeah.

9

10 **MR. PAUL CLOUD:**

11 Those people are exceptionally well
12 trained.

13

14 **MR. KEN KNOUF:**

15 They did a very good job. They are very
16 professional. They don't take any chances.

17

18 **MR. BROOKS EVENS:**

19 If they've got all their fingers they're
20 good.

21

22 **MR. PAUL CLOUD:**

23

24

1 Kevin?

2 **MR. KEVIN HERRON:**

3 I've got a question for Dr. Robb. What
4 level of participation do you have with the three hundred
5 twenty-three (323) acre Western Wooded parcel? I know that
6 he indicated that something they were like co-sponsor or
7 something along those lines with the Park Service?

8

9 **MR. JOE ROBB:**

10 The Parks Service. Fish and Wildlife
11 Service through our regulatory branch and field office
12 requested there will be Deed Restrictions if endangered
13 species are on these transfers and the Army agreed to do
14 that so we're very well pleased with that.

15

16 **MR. PAUL CLOUD:**

17 In fact that will - it's my expectation ah
18 that any of the additional property transferred south of the
19 firing line will have similar if not identical Endangered
20 Species Restrictions attached to them in the future. That
21 applied to the basically the Airfield and the Northeast
22 parcel, the Western Wooded and the rest of the parcels as

23

24

1 they come up. I wouldn't expect any serious surprises
2 unless there is additional information that would warrant
3 that but that would be Fish and Wildlife's prerogative.

4 **MS. DIANE HENSHEL:**

5 Is the Indiana bat near --

6

7 **MR. JOE ROBB:**

8 One (1) Indiana bat has been sighted at the
9 cantonment area in the Southeast portion. What they're
10 looking at there are other areas. There was an area right
11 close to the landfill just north of that area. There was
12 several Indiana bats caught. So looking at how far the
13 Indiana bat moves the whole area is potentially a breeding
14 habitat.

15

16 **MS. DIANE HENSHEL:**

17 Oh really as a breeding habitat?

18

19 **MR. JOE ROBB:**

20 Yes.

21

22 **MS. DIANE HENSHEL:**

23

24

1 Okay.

2

3 **MR. BILL CORNING:**

4 We wanted to make habitats for the Indiana
5 bat. Fish and Wildlife won't let us. All we wanted was
6 five hundred (500) acres for that landfill and that would
7 give good - be good habitat for the bats.

8

9 **MR. PAUL CLOUD:**

10 Any other comments or questions? Peggy?

11

12 **MS. PEGGY VLEREBOME:**

13 No.

14

15 **MR. PAUL CLOUD:**

16 You've been very quiet.

17

18 **MS. PEGGY VLEREBOME:**

19 Yes. No.

20

21 **MR. PAUL CLOUD:**

22 Okay. Yes, no. Okay. I can handle that.

23

24

1 Okay. Our next RAB meeting is scheduled for February 5th.
2 Because of the usage of that facility down at the Madison
3 Library on Wednesday nights February 5th is a Thursday. So
4 until such time as they do not have those Wednesdays pre-
5 empted out we will meet there probably on Thursdays. And
6 you will see here on the next slide the ah meeting schedule
7 for next year. It essentially follows this year with the
8 sole difference being again that the meetings in Madison
9 will be on Thursdays. But other than that no significant
10 changes and we'll go from there. I have no other material
11 to either present or provide discussion with but if there
12 are any additional comments or questions now is your time.
13 You must be tired Diane.

14

15 **MS. DIANE HENSHEL:**

16 No. I'm going through a divorce right at
17 this moment so I'm sort of absorbing everything.

18

19 **MR. PAUL CLOUD:**

20 I can understand that. I never want to
21 experience that but I can understand that. My sympathies.
22 I don't have anything else then. I appreciate everyone

23

24

1 coming out. Ah again please make sure you sign in on the
2 attendance sheet. Take a copy of the handouts and we will
3 see you in February. Richard do you have any comments?
4

5 **MR. RICHARD HILL:**

6 Not unless anyone has any other questions
7 of me. I might have some answers but I don't know of
8 anything to volunteer at the moment.
9

10 **MR. PAUL CLOUD:**

11 Okay thank you very much.

12 * * * * *

13 CONCLUSION OF HEARING
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C E R T I F I C A T E

STATE OF INDIANA)
) SS:
COUNTY OF JEFFERSON)

I, Sharon Shields, do hereby certify that I am a
Notary Public in and for the County of Jefferson, State of
Indiana, duly authorized and qualified to administer oaths;
That the foregoing public hearing was taken by me in
shorthand and on a tape recorder on November 5, 2003 in the
South Ripley Elementary School, Versailles, IN; That this
public hearing was taken on behalf of the Jefferson Proving
Ground Restoration Advisory Board pursuant to agreement for

1 taking at this time and place; That the testimony of the
2 witnesses was reduced to typewriting by me and contains a
3 complete and accurate transcript of the said testimony.

4 I further certify that pursuant to stipulation by and
5 between the respective parties, this testimony has been
6 transcribed and submitted to the Jefferson Proving Ground
7 Restoration Advisory Board.

8 WITNESS my hand and notarial seal this 24th day of
9 November, 2003.

10 Sharon Shields, Notary Public
11 Jefferson County, State of Indiana

12 My Commission Expires:

13 July 2, 2007
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